

REMARKS

Claims 2, 11-18, 20-22, 25 and 26 are pending in this application.

On October 18, 2006 the undersigned attorney received a call from Examiner Balls with regard to the pending application and co-pending application 10/764,229. The Examiner explained that while the claims in 10/764,229 were now in condition to be allowed, the Patent Office had instituted a new policy, such that the pending claims in 10/764,229 would not be allowed, unless one of two further actions were taken by the applicants. In particular, in order for the Examiner to allow the application, Applicants must either:

- 1) file a terminal disclaimer in both 10/764,229 and the present application; or
- 2) cancel, in the present unexamined application, the subject matter that is in condition to be allowed in co-pending application 10/764,229.

Applicants have chosen the option 2), and have thus, canceled from the present application the subject matter that is in condition to be allowed in co-pending application 10/764,229. Applicants wish to direct the Examiner's attention to the 12th and 18th species of claim 20 in the present application, which are the cis and trans stereo isomers of the compound of claim 30 in co-pending application 10/764,229.

Applicants point out that in complying with the Examiner's requirement, they believe they have been over inclusive in what has been canceled from the present application. That is, applicants have canceled more than what is in condition for allowance in co-pending 10/764,229. Applicants reserve the right to prosecute such subject matter in a continuing or divisional application.

Applicants believe that this amendment satisfies the examiner's concern with regard to allowing 10/764,229. Applicants respectfully request early examination of this application. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of the case.

Respectfully submitted,

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